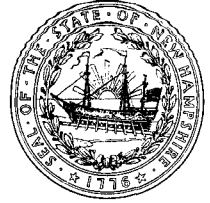


The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

August 29, 2006

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 06-019

Henkel Technologies
137 Folly Mill Road
Seabrook, NH 03874-4012

Attn: Mark Piemonte, Plant Manager

Re: Henkel Technologies
Seabrook, New Hampshire
EPA ID # NHD048722466

Dear Mr. Piemonte:

On May 25, 2006, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Henkel Technologies ("Henkel"). The purpose of the inspection was to determine Henkel's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in Henkel's hazardous waste management program were documented:

1. Env-Wm 507.01(a)(3) - Storage Requirements – Open Container

At the time of the inspection, the following satellite containers of hazardous waste were not closed: See the attached Container Inventory ("Inventory").

- (a) One (1) 55-gallon container labeled as "hazardous waste-liquid urethane resins-xylene/MEK" located in the Coating & Adhesives building; and
- (b) One (1) 55-gallon container labeled as "hazardous waste-solvent waste cleaning & off specification" located in the Coating & Adhesives building.

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste are closed at all times, except when waste is being added to or removed from the containers.

DES requested that Henkel ensure that containers storing hazardous waste remain closed at all times, except when adding waste to or removing waste from the containers.

In an email received on May 30, 2006 from Henkel, Mark Piemonte, Plant Manager, stated "We ordered new funnels for our satellite waste drums. The funnels arrived on 5/26/06 and are in place, these new funnels have latches. We have also amended our weekly inspection checklist to verify that the funnels are latched when the drums are not in use." No further action is required.

2. Env-Wm 509.02(a)(2) - Personnel Training

A review of Henkel's personnel training program revealed the following deficiencies:

- (a) Russell Wood, the primary emergency coordinator, had not received annual hazardous waste training in 2001, 2002, 2003, and 2004.
- (b) Rick Eaton, an alternate emergency coordinator, had not received annual hazardous waste training in 2002 and 2003.
- (c) Mark Piemonte, an alternate emergency coordinator, had not received initial hazardous waste training and/or taken part in annual reviews in 2001, 2002, and 2003.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training. 40 CFR 265.16(b) also requires facility personnel to complete the program of training within six months of employment or assignment to a new position.

DES requested that Henkel conduct and document hazardous waste training and annual reviews for all employees who have hazardous waste responsibilities and ensure that training is completed within six months of employment or assignment to a new position.

At the time of the inspection, Henkel had conducted and documented the 2005 annual reviews for the primary and alternate emergency coordinators. In the e-mail dated May 30, 2006, from Henkel, Mark Piemonte, Plant Manager, stated that training for the Emergency Coordinators for 2006 has been scheduled, and that this annual training requirement has been added to the training database. No further action is required.

3. Env-Wm 509.02(a)(3) - Requirements for Ignitable and Reactive Wastes

At the time of the inspection, Henkel had not posted a "No Smoking" sign near the main hazardous waste storage area in the TPU building ("HWSA"), which is used to store ignitable wastes, and the satellite storage area in the Coating & Adhesives building where ignitable waste is handled.

Env-Wm 509.02(a)(3), which references 40 CFR 265.17, requires that generators post a "No Smoking" sign wherever there is a hazard from ignitable or reactive waste.

DES requested that Henkel post a "No Smoking" sign at the HWSA and the satellite storage area in the Coating & Adhesives building.

In the e-mail dated May 30, 2006, from Henkel, Mark Piemonte, Plant Manager, stated that "No Smoking" signs have been placed in the HWSA and the satellite area. No further action is required.

4. Env-Wm 509.02(a)(5) - Contingency Plan

At the time of the inspection, Henkel's contingency plan was confirmed to be incomplete. Specific deficiencies are listed in the attached Contingency Plan Module.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Henkel revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module and submit a copy of the plan to the local authorities and to DES.

5. Env-Wm 509.02(b) - Emergency Posting

At the time of the inspection, the emergency posting at the telephone nearest to the HWSA failed to document the location of spill control material.

Env-Wm 509.02(b) requires that full quantity generators post a list of the steps to take if an emergency occurs and the following emergency numbers and information at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that Henkel post the required information at the telephone nearest to each hazardous waste storage area.

In the e-mail dated May 30, 2006, from Henkel, Mark Piemonte, Plant Manager, stated that the emergency posting has been updated to include the locations of the spill kits. No further action is required.

6. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, DES observed three (3) 5-gallon containers and one (1) 3-gallon container of used oil destined for recycling located in the Pole Barn, which were not labeled with the words "Used Oil for Recycle." See the attached Inventory.

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requested that Henkel label all containers of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

In the e-mail dated May 30, 2006, from Henkel, Mark Piemonte, Plant Manager, stated that the used oil containers have been properly marked. No further action is required.

7. Env-Wm 1102.03 and Env-Wm 1112.04 - Universal Waste Lamp Management

At the time of the inspection, eleven (11) 8-foot containers of universal waste lamps and seventeen (17) 8-foot universal waste lamps located in the Pole Barn were not marked with the words "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)." See the attached Inventory.

Env-Wm 1112.04 requires universal waste handlers of lamps to ensure each universal waste lamp or container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

DES requested that Henkel clearly label or mark universal waste lamps and container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

In the e-mail dated May 30, 2006, from Henkel, Mark Piemonte, Plant Manager, stated that the fluorescent bulb boxes have been properly labeled. No further action is required.

8. Env-Wm 1102.03 and Env-Wm 1113.04 - Universal Waste Cathode Ray Tube Management

At the time of the inspection, five (5) universal waste computer monitors were not marked with the words "Universal Waste- Cathode Ray Tube(s)," "Waste Cathode Ray Tube(s)," or "Used Cathode Ray Tubes(s)." See the attached Inventory.

Env-Wm 1113.04 requires universal waste handlers of cathode ray tubes to ensure each universal waste cathode ray tube or container(s) holding universal waste cathode ray tubes to be clearly labeled or marked with any of the following: "Universal Waste- Cathode Ray Tube(s)," "Waste Cathode Ray Tube(s)," or "Used Cathode Ray Tubes(s)."

DES requested that Henkel clearly label or mark universal waste cathode ray tubes and container(s) holding universal waste cathode ray tubes with any of the following: "Universal Waste- Cathode Ray Tube(s)," "Waste Cathode Ray Tube(s)," or "Used Cathode Ray Tubes(s)."

In the e-mail dated May 30, 2006, from Henkel, Mark Piemonte, Plant Manager, stated that the CRT's have been properly labeled. No further action is required.

9. Env-Wm 1102.03(c) and Env-Wm 1112.03(a) – Universal Waste Container Requirements

At the time of inspection, seventeen (17) 8-foot universal waste lamps, observed in the Pole Barn, were not stored in containers. These lamps were stored laying amongst other containers of universal waste lamps stored in this area.

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) furthermore stipulates the containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requested that Henkel ensure all universal waste lamps generated at the facility are placed and stored in containers that meet the requirements of Env-Wm 1102.03(c).

In the e-mail dated May 30, 2006, from Henkel, Mark Piemonte, Plant Manager, stated that the loose fluorescent bulbs have been placed into boxes and are properly labeled and closed. No further action is required.

10. Env-Wm 1102.03(c)(1) - Universal Waste Lamp Management

At the time of the inspection, eleven (11) containers of universal waste lamps located in the Pole Barn were not closed. See the attached Inventory.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that Henkel ensure that all containers of universal wastes are closed, except when universal waste is being added to or removed from the container.

In the e-mail dated May 30, 2006, from Henkel, Mark Piemonte, Plant Manager, stated that the fluorescent bulb boxes have been closed. No further action is required.

DES believes the remaining portion of the cited deficiencies, specifically item 4, can be corrected and a report describing the corrective measures taken by Henkel can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Henkel including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Tod Leedberg
RCRA Compliance Supervisor
DES/WMD
P.O. Box 95
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment, and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact Tod Leedberg, RCRA Compliance Supervisor, at 271-2942. Thank you for your cooperation.

Sincerely,

~~COPY~~

John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: DB/RCRA/LOD/Archives
Gretchen Hamel, Administrator, DES Legal Unit
Anthony P. Giunta, P.G., Director, WMD/ Paul L. Heirtzler, P.E., Esq., Administrator, WMP

ec: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report